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AGAZARIAN
C.P.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-191135

DATE: March 14, 1978

MATTER OF: W. Lane Abbott - Transfers - Relocation
Expenses

DIGEST: Employee claims expenses incurred in breaking apartment lease incident to transfer from Ontario, Canada, to Denver, Colorado. Employee may not be reimbursed cost of settling an unexpired lease as para. 2-6.1a of Federal Travel Regulations (FPMR 101-7) (May 1973) issued pursuant to 5 U.S.C. 5724a(a)(4) restricts entitlement to such reimbursement to employees whose old and new duty stations are located within United States, its territories and possessions, Commonwealth of Puerto Rico, and Canal Zone.

This matter is before us based on the request for an advance decision by Ms. Judith R. Harris, an authorized certifying officer of the Department of the Interior, Bureau of Reclamation, as to whether Mr. W. Lane Abbott may be allowed reimbursement for the expense of breaking a lease incident to a permanent change of duty station.

The record shows that, in June 1977, Mr. Abbott was transferred from his duty station in Peterborough, Ontario, Canada, to Denver, Colorado. In connection with this transfer Mr. Abbott had to terminate his apartment lease and as a result he was required to pay a lease termination penalty fee of \$139. The agency has disallowed Mr. Abbott's claim for reimbursement on the basis that his old duty station was in Canada and therefore he did not meet the conditions for reimbursement as set forth in paragraph 2-6.1 of the Federal Travel Regulations, FPMR 101-7 (May 1973). That provision, issued pursuant to 5 U.S.C. 5724a(a)(4), provides in pertinent part, as follows:

"2-6.1. Conditions and requirements under which allowances are payable. To the extent allowable under this provision, the Government shall reimburse an employee for expenses required to be paid by him in connection with the sale of one residence at his old official station, for purchase

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(including construction) of one dwelling at his new official station, or for the settlement of an unexpired lease involving his residence or a lot on which a mobile home used as his residence was located at the old official station; Provided, That:

"a. Transfers covered - agreement required. A permanent change of station is authorized or approved and the old and new official stations are located within the 50 States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, or the Canal Zone, and the employee has signed an agreement as required in 2-1.5a(1). (See exclusions in 2-6.4.)" (Emphasis supplied.)

Thus, an employee transferred from a duty station in a foreign area to a new duty station located in the United States may not be reimbursed the expenses of settling an unexpired lease. Since Mr. Abbott's old duty station was located in Canada, he is not entitled to reimbursement for the expenses he incurred in breaking his lease.

Mr. Abbott states that a State Department official in Canada informed him that reimbursement had been allowed to State Department employees under the same circumstances. It is not necessary for us to pursue that point because the State Department does have special authority for foreign posts of duty which is not applicable to employees of other agencies. Since the present claim is governed by the Federal Travel Regulations and not by the State Department's regulations, any such authority is of no avail to the claimant.

In accordance with the above, Mr. Abbott's reclaim voucher may not be certified for payment.


Deputy Comptroller General
of the United States